IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.S.A. No.4619 of 2003

DATE OF DECISION: 26.02.2007

Balbir Kaur and Others

...Appellants.

Versus

Devinder Singh and Others

...Respondents.

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA.

PRESENT: Mr.Vikas Negi, Advocate,
for Mr.Avnish Mittal, Advocate,
for the appellants.

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HEMANT GUPTA, J.(Oral)

The plaintiffs in the present appeal are aggrieved by the judgments passed by both the Courts below whereby a suit for declaration to the effect that the Sale Deed dated 09.05.1995 and Power of Attorney dated 29.05.1995 are result of fraud was dismissed.

By the aforesaid Sale Deed, land measuring 12 Bighas 6 Biswas was sold by defendant No.4 in favour of defendant No.1. It is concurrent finding of fact recorded by the Courts below that the plaintiff-Balbir Kaur appearing as DW-1 has admitted in the cross-examination, the execution of Power of Attorney by her and by plaintiffs No.2 and 3 in favour of defendant No.4.

In view of the said admission, both the Courts below have rightly dismissed the suit for declaration.

The plaintiff herself has admitted the execution of Power of Attorney in favour of defendant No.4. It is on the basis of such attorney, the sale deed has been executed.

Thus, I do not find any illegality or irregularity in the findings recorded by both the Courts below warranting interference by this Court in the present Regular Second Appeal as no substantial question of law arises.

Dismissed.

February 26, 2007 (HEMANT GUPTA)
seema JUDGE